

## **REMARKS**

Claims 1-8 are pending in the application. Claims 1-2 have been withdrawn as being directed to a non-elected invention. By this Amendment, claims 3 and 5 are amended. The amendment of claim 5 is supported throughout the specification, for example at page 7. The subject matter of claim 3 is now narrower than, and now includes the subject matter of claim 4. Thus no new issues are raised by the amendments to claim 3. Additionally, no new matter is added.

The Office Action objects to claim 5 for containing an asserted informality. The Office Action also rejects claim 5 under 35 U.S.C. §112, second paragraph, based on the same issue. Applicants believe that the objection and rejection of claim 5 under 35 U.S.C. §112, second paragraph, are overcome by above-amended claim 5. Reconsideration and withdrawal thereof are thus respectfully requested.

The Office Action rejects claims 3, 6, 7 and 8 under 35 U.S.C. § 102(b) as being anticipated by Brown (U.S. Patent No. 4,854,150) and also by Inoue (JP 2000-233625). The Office Action also rejects claim 3 under 35 U.S.C. § 103(a) as being obvious over Siecinski et al. (U.S. Patent No. 6,206,392) in view of Brown and claim 4 under 35 U.S.C. § 103(a) as being obvious over Inoue. These rejections are traversed.

It is first noted that claims 3, 6, 7 and 8 all now include the subject matter of claim 4. Thus, it is believed that the rejections requiring Brown and Siecinski et al. are rendered moot.

In any case, the present invention is a hollow stabilizer formed by bending a material obtained by compressing an electroseamed pipe to reduce a diameter thereof in a temperature range of a hot state or a warm state so as to make a ratio of thickness

of more than 27% to 35% or less with respect to an outer diameter, wherein a heat treatment including hardening and tempering is applied and shot peening is applied to an outer surface portion.

The amendment is supported in page 7 of the specification. According to the hollow stabilizer of the invention, since the ratio of thickness is more than 27%, the material can be securely prevented from being compressed flat. Furthermore, the fatigue strength of the inner surface portion of the material is greatly improved similarly to the outer surface portion which is subjected to shot peening, and the fatigue strength of the hollow stabilizer can be greatly improved.

In contrast, all the applied references fail to teach or suggest the ratio of thickness required by the presently claimed invention. In particular, Brown (U.S. Patent No. 4,854,150) discloses 1.181 inches outer diameter and 0.898 inch inner diameter (lines 33 to 38, column 8). The thickness disclosed by Brown is 0.1415 inch and the ratio of thickness is 12% ( $0.1415/1.181$ ). Siecinski discloses thickness of 10% to 25% of the outer diameter (lines 51 to 53, column 4). JP 2000-233625 discloses the rate of thickness of 0.2 to 0.27, which range is less than that of the invention.

Since the rate of thickness are small in the references, the material is compressed flat in bending the material, and the fatigue strength of the hollow stabilizer is lowered.

Further, the material is subjected to cold drawing process in JP 2000-233625 to have a tensile strength. In contrast, heat treatment including hardening and tempering is applied to the hollow stabilizer in the present invention.

For at least the above reasons, reconsideration and withdrawal of the rejections of under 35 U.S.C. § 102(b) and 35 U.S.C. § 103(a) are respectively requested.

Applicants respectfully submit that this application is in condition for allowance and such action is earnestly solicited. If the Examiner believes that anything further is desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the telephone number listed below to schedule a personal or telephone interview to discuss any remaining issues.

Should this response not be considered timely filed, Applicants petition for any necessary extension of time. Please charge any fees for such a petition and/or charge any fee deficiency or credit any overpayment to Deposit Account No. 01-2300, **referencing Attorney Docket No. 108421-00036.**

Respectfully submitted,

A handwritten signature in black ink, reading "Robert K. Carpenter", is written over a horizontal line.

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